

REMARK

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended or cancelled; and claims 18-22 have been added. Therefore, claims 1-22 are now presented for examination.

Drawings

The Examiner objected to the drawings for failure to show every feature of the invention specified in the claims. The Examiner required that the following features be shown or cancelled from their respective claims(s):

- In claims 1, 12, 21, and 23, "each user station in said first cell is assigned a second transmission frequency".
- In claim 7, "wherein the communication between the base station... and the user stations in said first cell are time division duplexed".
- In claim 12, "wherein said base station is further assigned a first spread spectrum code... and wherein said user stations in said first cell are each assigned a second spread spectrum code".

Applicants have submitted herewith proposed changes to FIG. 2 and FIG. 3 to illustrate a base station transmitting using a first frequency/spread spectrum code, and user stations transmitting using a second frequency/spread spectrum

code. Proposed changes to FIG. 2 also show communication between base station and user station using time division duplexing.

Applicants submit that no new matter is being added. All proposed amendments are supported by the originally filed specification as discussed below. A proposed drawing amendment has been submitted to the draftsman. Applicants respectfully request that the proposed drawing corrections be accepted.

U.S.C. § 112(1) Rejections

The Examiner rejected claims 1-6, 12-20, and 22-25 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Applicants respectfully submit that claims 1, 12, 22, and 23, and any and all claims dependent therefrom, are supported by the originally filed application.

The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable? Thus,

the 35 U.S.C. §112 has been interpreted to require that the claimed invention be enabled so that any person skilled in the art can make and use the invention without undue experimentation. As stated in *United States v. Teletronics, Inc.* 857 F.2d 778, 785, 8 USPQ2d at 1404 (Fed. Cir. 1988), "[t]he test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation". In this regard, a patent need not teach, and preferably omits, what is well known in the art. M.P.E.P. §2164.01.

The specification discloses a wireless communication system wherein a base station is assigned a first transmission frequency not assigned to any base station in adjacent cells, and wherein each user station is assigned a second transmission frequency not assigned to any user stations in adjacent cells.

With respect to claim 1, and dependent claims 2-6; claim 12, and dependent claims 13-20; and claim 23, and dependent claims 24-25, the specification discloses a wireless communication system wherein a base station is assigned a first transmission frequency not assigned to any base station in adjacent cells, and wherein each user station is assigned a second transmission frequency not assigned to any user stations in adjacent cells.

Specifically, the specification discloses a base station that is assigned a first transmission frequency and user stations assigned a second transmission frequency at p. 10, lines 18-21, and at p. 11, lines 4-7. The specification also

discloses that adjacent cells may use distinguishable frequencies at page 6, lines 10-11.

While the first and second techniques, along with accompanying FIG. 3, disclose that all of the base stations 204 use a first frequency, and all of the user stations 202 use a second frequency, one of ordinary skill in the art would have also been able to make the invention of claims 1-6, 12-20, and 23-25, that is, a wireless communication system wherein a base station is assigned a first transmission frequency that is not assigned to any base station in adjacent cells, and wherein each user station is assigned a second transmission frequency not assigned to any user stations in adjacent cells, from the information disclosed in the application as stated above, and from information known in the art without undue experimentation.

The specification discloses a wireless communication system wherein a base station is assigned a first spread spectrum code and user stations are assigned a second spread spectrum code.

With respect to claim 12, the specification discloses a wireless communication system wherein a base station is assigned a first spread spectrum code, and user stations are assigned a second spread spectrum code at p. 7, lines 8-9 of the specification. There, the specification discloses that each base station 204 and each user station 202 may be assigned a separate code.

The specification discloses a wireless communication system wherein a base station transmits over a first frequency, user stations in communication with the

base station transmit over a second frequency different from the first frequency,
and the base station communicates with the user stations using time division
duplexing.

With respect to claim 22, the specification discloses a system where a base station transmits over a first frequency, user stations in communication therewith transmit over a second frequency, and the base station and user stations communicate using time division duplexing. Specifically, embodiments 1 and 2 of the specification disclose a base station using a first frequency, and user stations using a second frequency, and page 10, line 1 of the specification discloses that time division may also be used with the invention.

For at least the reasons stated above, the Applicants respectfully request that the rejections be withdrawn.

U.S.C. § 112(2) Rejections

The Examiner rejected claim 21 under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner stated that claim 21 recites the limitation "said first code" in line 9 on page 8, for which there is no proper antecedent basis.

The Applicants respectfully disagree with the Examiner in that the antecedent basis for "said first code" on page 8, line 9 is found on page 8, line 2. Applicants respectfully request that this rejection be withdrawn.

U.S.C. § 102 Rejections

Schmidt

The Examiner rejected claims 1, 2, 5, 21, and 23 under 35 U.S.C. §102(b) as being anticipated by Schmidt (U.S. Patent No. 4,765,753).

Schmidt discloses a method of handing over a radio connection when a mobile radio station moves from one radio cell to another radio cell in a digital radio transmission system.

The Applicants submit that Schmidt does not anticipate the Applicants' invention as recited by the claims. Specifically, Schmidt fails to teach or suggest that the first transmission frequency is not assigned to any base station in an adjacent cell, and that the second transmission frequency is not assigned to any user station in an adjacent cell.

For at least this reason, the Applicants respectfully request that the Examiner withdrawn his rejection to this claim, and allow the claim.

D'Amico et al.

The Examiner rejected claims 7-10 under 35 U.S.C. § 102(e) as being anticipated by D'Amico et al. (U.S. Patent No. 5,127,100).

D'Amico discloses a digital radio communication system having a plurality of cells. Each of the cells utilizes communication frames having at least one inbound communication slot and at least one outbound communication slot. The frames of each cell are of uniform length. At least some of the cells have different bit rates than other cells.

The Applicants submit that D'Amico does not anticipate the Applicant's invention as recited by claims 7-10. Specifically, D'Amico does not disclose a pattern of cells, as required by the Applicants' invention as recited by the claims. While D'Amico discloses a plurality of cells, the Applicants do not find where it is disclosed that the plurality of cells is arranged in a pattern of cells.

For at least this reason, the Applicants respectfully request that the Examiner withdrawn his rejection to this claim, and allow the claim.

U.S.C. § 103 Rejections

Goldman in view of Schmidt

The Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Goldman (U.S. Patent No. 4,129,749) in view of Schmidt.

Goldman discloses a radio telephone system in which a base station transmits information to portable units on a first frequency, and base stations transmit information to the base station on a second frequency. Each of the frequencies is divided into a number of communications channels by time division multiplexing.

Since claim 3 depends from claim 1, and inherits the limitations of claim 1, and adds further limitations, and since it is believed that the rejection to claim 1 has been overcome, it is axiomatic that the rejection to claim 3 has been overcome as well. Therefore, the Applicants respectfully request that the rejection to claim 3 be withdrawn, and the claim be allowed.

D'Amico in view of Schmidt

The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over D'Amico in view of Schmidt.

Since claim 11 depends from claim 7, and inherits the limitations of claim 7, and adds further limitations, and since it is believed that the rejection to claim 7 has been overcome, it is axiomatic that the rejection to claim 11 has been overcome as well. As such, the Applicants respectfully request that the rejection be withdrawn and the claim be allowed.

Conclusion

Applicants respectfully submit that the objection and rejections have been overcome by the Amendment and Remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the objection and rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

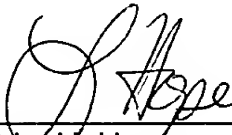
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 23, 2003



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Version With Markings To Show Changes Made

No amendments made.

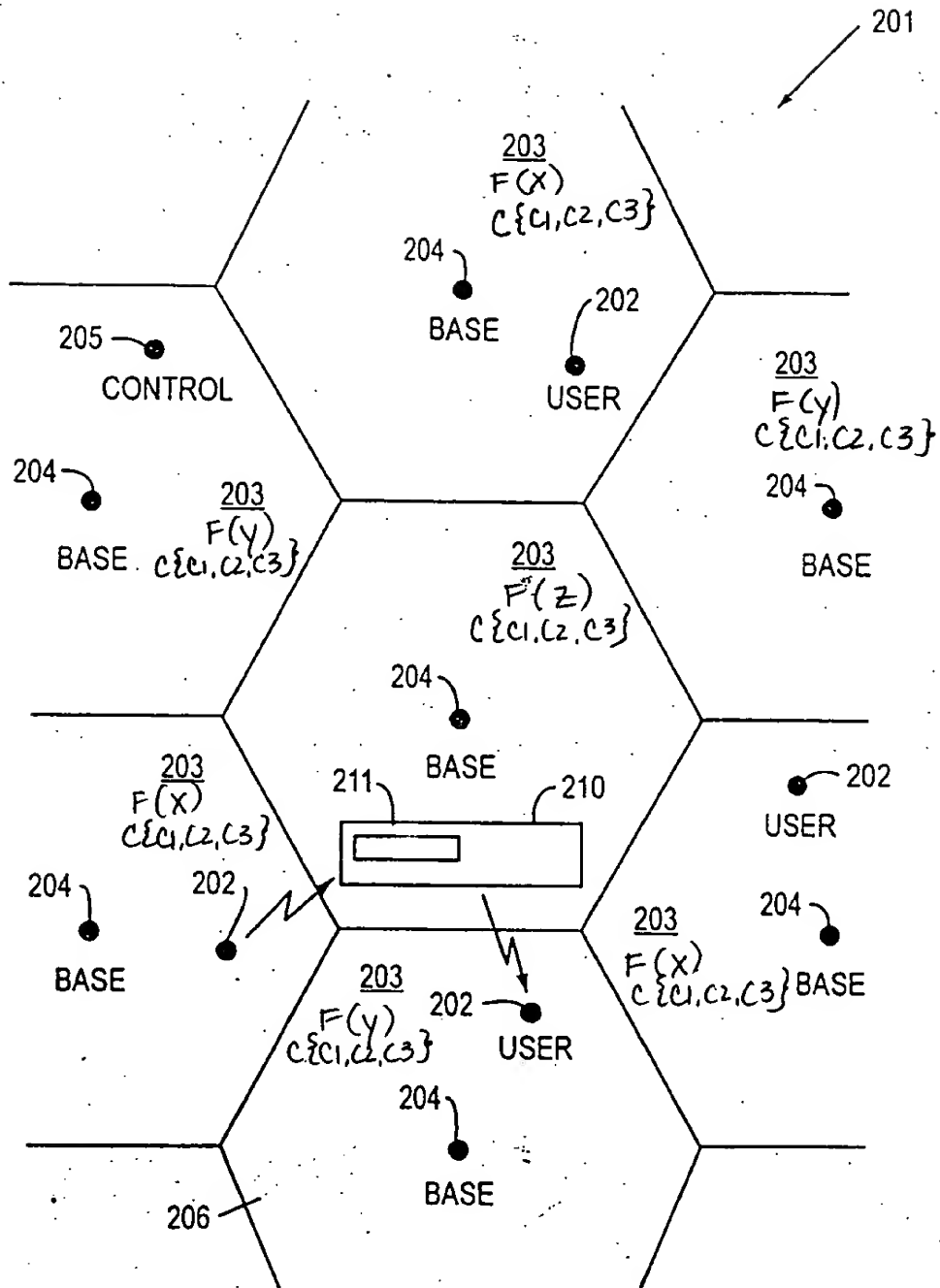


Fig. 2

